

State of Nebraska
ANNUAL SYNAR REPORT
42 U.S.C. 300x-26
OMB No 0930-0222

FFY 2004



U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES
Substance Abuse and Mental Health Services Administration
Center for Substance Abuse Prevention
www.samhsa.gov

State Of Nebraska Annual SYNAR Report Calendar Year 2003

State Law Regarding Sale of Tobacco Products to Individuals Under Age of 18 (Section 1926):

An agreement to continue to have in effect a State law that makes it unlawful for any manufacturer, retailer, or distributor of tobacco products to sell or distribute any such product to any individual under the age of 18; and, to enforce such laws in a manner that can reasonably be expected to reduce the extent to which tobacco products are available to individuals under age 18 (See 42 U.S.C. 300x-26 and 45 C.F.R. 96.130).

SECTION I

FFY 2003 (Compliance Progress):

42 U.S.C. 300x-26 of the Public Health Service Act requires certain information regarding the sale/distribution of tobacco products to individuals under age 18.

1. Describe any changes or additions to the State tobacco statute relating to 42 U.S.C. 300x-26 since the last application. Attach a photocopy of the changes and describe the impact they will have on enforcement of State tobacco law(s).

-
- No Changes were made in the State tobacco legislation during the Compliance Progress FFY.
 - No Legislation passed in the previous year went into effect during the Compliance Progress FFY.
 - No Changes were made in State regulations during the Progress Compliance FFY
 - No Changes in local ordinances have been reported to the state entity during the Progress FFY. The state does not have a formal process of review and approval of local ordinances and therefore information that may be gained would be by special contact or "reported" from state unofficial sources.
-

2. Describe how the annual report required under 45 C.F.R. 96.130(e) was made public within the State, along with the State Plan as provided in 42 U.S.C. 300x-51.

-
- The Substance Abuse Performance Partnership Block Grant application is a document that results from a public participation process that defines the general direction of the Nebraska Behavioral Health System. This public participation process includes the Nebraska Unicameral, State Alcoholism, Drug Abuse Advisory Committee, Regional Behavioral Health Advisory Committees, general public, network managers, program participants and staff of the Division of Mental Health, Substance Abuse and Addiction Services and Tobacco Free Nebraska.

State Of Nebraska Annual SYNAR Report Calendar Year 2003

- The Substance Abuse Performance Partnership Block Grant application includes 16 national objectives that the state of Nebraska uses as performance measures. These 16 national prevention and treatment performance objectives are relayed to network managers as base performance objectives for Regional Plans of Expenditures. Regions develop regional Plans of Expenditures each spring. The Regions use a variety of methods to develop yearly plans. Each region is required to submit its regional plans to an advisory board for further discussion. Those advisory boards make recommendations to a Regional Governing Board. It is the Regional Governing Board who proposes the Regional Plans of Expenditures to the State. The Regional Plans are analyzed and approved by division staff and become the basis for the regional contracts. SYNAR activities are included in Regional Plan of Expenditures, through the prevention planning and include local efforts at coalition building, community change and education.
 - In its July 2001 meeting, the State Alcoholism, Drug Abuse Advisory Committee affirmed that the committee did not want to review the entire Block Grant application. The committee record indicates that the committee's concerns or other issues raised during SADAAC meetings have been incorporated into the application. SYNAR results for FY 2001 were reported to the Committee in the October 2001 meeting and SYNAR plans for calendar year 2003 were announced in the January 2003 meeting.
 - Legislative review of the application is completed in each unicameral session through the public review of all documents of the Department of Health and Human Services. As a part of the yearly appropriations process, a public hearing is held which includes mention and availability of all federal and state applications for assistance. Additionally, the Substance Abuse Criminal Justice Task Force, and the Unicameral Committee on Behavioral Health Service System have reviewed the Behavioral Health System and related federal support. Staff members handle individual requests for information about any portion of the block grant application. The SYNAR compliance check results are posted on the HHSS web site and is shared with Network Managers, local tobacco coalitions and general public.
-

3. Identify the agency or agencies designated by the Governor for the implementation of the requirements. Identify the State agency responsible for conducting random, unannounced inspections. Identify the State and/or local agency or agencies that are responsible for enforcing the tobacco access law(s) (See 42 U.S.C. 300x-26 and 45 C.F.R. 96.130).
-

- The Lead agency for SYNAR is the Nebraska Department of Health and Human Services Office of Mental Health, Substance Abuse and Addiction Services.

State Of Nebraska Annual SYNAR Report Calendar Year 2003

- SYNAR survey inspections are conducted by the Nebraska State Patrol. The Department of Health and Human Services provides to the Patrol the list of entities to inspect.
 - Enforcement agency in Nebraska is the Nebraska State Patrol. The State Patrol is joined in these efforts by the 93 county and 415 municipal peace officers.
-

4. Describe briefly the coordination and collaboration that occurs between your State's Tobacco and Health Office (Association of State and Territorial Health Officials) and Single State Authority for Substance Abuse (NASADAD). Discuss how State efforts to reduce youth access to tobacco relate to other tobacco control and prevention initiatives in your State.
-

- The Nebraska Department of Health and Human Services is designated by the Governor to ensure compliance with the SYNAR Legislation. The Governor has designated the Nebraska State Patrol as the agency responsible for enforcing tobacco laws. An interagency contract between the Nebraska State Patrol and the Department of Health and Human Services specifies the terms of the enforcement agreement. Within the Department of Health and Human Services, the Office of Mental Health, Substance Abuse and Addictions Services oversees SYNAR specific activities and reports to the block grant. The Tobacco Free Nebraska program coordinates Nebraska's tobacco prevention efforts. The Tobacco Free Nebraska program is located in HHS in the Division of Health Promotion and Education. Tobacco Free Nebraska is funded in part by the proceeds of the Tobacco Settlement Fund.
-

5. In 2-3 pages, list and describe all the State's activities to enforce the State youth access to tobacco law(s) in FFY 2003. Such activities may include statewide and/or targeted enforcement activities.

§ If enforcement of youth access laws is carried out by local law enforcement agencies, provide a detailed summary of local enforcement activities to verify the enforcement is taking place.

- Nebraska combines enforcement and inspection activities. Nebraska State Patrol was provided a list of retail outlets to inspect in March 2003. This list contained 992 business locations. Completed inspections resulted in 854 business being visited with 135 successful buys and 135 citations being issued to clerks who sold to youth. Weighted violation rate of 15.3 %.

State Of Nebraska Annual SYNAR Report Calendar Year 2003

Citations are issued to the store clerk and not to the store in Nebraska.

- Six tobacco coalitions have completed tobacco checks with local law enforcement in their communities. These inspections are outside the SYNAR inspections. Douglas County completed checks in March and again in July. Of the 548 checks conducted 95 resulted in buys. Citations were issued to clerks who sold. In April 2003 the coalition again completed checks and reported a ten percent violation rate.
- Lincoln/Lancaster County (Tobacco Free Lincoln) has been checking business every month and in August 2002 they checked 284 entities, 30 of whom sold to minors. Citations were issued to those who sold to minors. Additionally Tobacco Free Lincoln is spearheading a drive to make all public facilities smoke free. This is reported to include bars and restaurants. Public hearings are scheduled in November 03.
- Hall County (Tobacco Free Hall County) completed checks in July. Of the 70 business visited 9 sold to minors. Again citations were issued to clerks making sales.
- Lincoln County Tobacco Coalition completed 31 checks in July and early August with 4 businesses selling to minors. Citations were issued to clerks making sales.
- Madison County Tobacco Coalition conducted 43 checks in May 2002 and found 16 business selling. Citations were issued to these clerks.
- Adams County (South Central Health Alliance) completed checks at 26 businesses in January 2002 with only 2 businesses selling. Citations were issued to selling clerks.

§ Include an estimate of the number and types of penalties that were imposed for violation of access laws and policies, and whether these penalties were assessed against owners, clerks, or youth. Examples of penalties include citations, warning letters, public listing of violators, etc.

-
- Dr. Ian Newman from Health Education, Inc., conducted a study of prosecution rates to determine whether those persons who were cited for being out of compliance with Nebraska Tobacco Laws were being fined for these offenses. The range of fines clerks were given for violating tobacco laws varied from \$2.00 to \$200. The median fine was \$25. Other than this special study, Nebraska does not have any method of tracking the adjudication of citations.

State Of Nebraska Annual SYNAR Report Calendar Year 2003

§ Provide a summary of the final disposition of citations. Example(s) of final disposition include fines that were assessed and collected, licenses that were suspended or revoked, dismissals, etc.

- Nebraska has no formal, nor informal, process to track the adjudication of citations.
-

§ Describe additional activities conducted to support enforcement and compliance with State tobacco access law(s). Additional activities may include merchant education, community education, media use, and community mobilization by statewide and/or local community-based coalitions and/or other State agencies.

- Regional prevention centers, prevention providers, local coalitions and others throughout Nebraska continues to educate retailers, decision-makers and the public about the importance of keeping youth from accessing tobacco products. Fourteen communities in Nebraska have passed local ordinances, which prohibit youth from possessing tobacco. These ordinances include fines of around \$25.00 for youth found in possession of tobacco products and a requirement to participate in tobacco cessation classes. There is no formal process of reporting local jurisdiction youth possession citations or convictions in the state. Plattsmouth has passed a local youth access ordinance requiring all tobacco products to be behind the counter or in locked cases. Similar efforts are reported underway in a number of communities.
- Additional Community Education activities have been funded by Tobacco Free Nebraska. These include grants to community coalitions to conduct health fairs, town hall meetings and to work with specific youth and community organizations.
- Tobacco Free Nebraska continues to grant to community coalitions funds for 1) preventing the initiation of tobacco use among young people, 2) Eliminating exposure to environmental tobacco smoke, 3) Identifying and eliminating disparities related to tobacco use and its effects among different population groups, 4) promoting quitting among adults and youth. Nine Organizations participated in grant funds released by Tobacco Free Nebraska beginning in FFY 2002. The Nebraska legislature did away with the funding for this program in legislative action in the spring of 2003. Tobacco Free Nebraska's \$21 million (\$7 Million in each of three years) was cut. Third year funding for Tobacco Free Nebraska was eliminated and the TFN staff resources must rely on state general funds and CDC funds to sustain a skeletal program. Local coalition funding was virtually eliminated as well.
- The historic settlement with the tobacco industry in 1997 provides Nebraska funds for Tobacco Free Nebraska efforts. LB 1436 passed the Nebraska

State Of Nebraska Annual SYNAR Report Calendar Year 2003

Unicameral established Nebraska's Comprehensive Tobacco Plan and dedicated \$7 million per year for three years to tobacco prevention, reduction and cessation programs. Tobacco Free Nebraska suffered a set back in its efforts to fund tobacco education and prevention messages during the August 2002 special session of the Nebraska Unicameral. Nearly \$5 Million of the \$21 Million in Tobacco Settlement Funds originally designated to Tobacco Free Nebraska were reallocated to other areas. However this was but a minor

Unicameral raids Tobacco Settlement Funds to balance state budget

set back when compared to the actions of the 2003 legislative session that took away the third years funding for Nebraska's Comprehensive Tobacco plan. Efforts of local coalitions, additional compliance checks at the state and local level, anti-smoking advertising all have been eliminated through the cut initiated by the legislative actions in the spring of 2003. What remains of Tobacco Free Nebraska's efforts are mostly voluntary in nature as the money behind the effort was cut.

- Media use continues with local coalitions publishing lists of entities selling tobacco products during local compliance checks. Tobacco Free Nebraska has launched a \$700,000 media campaign to air radio and television commercials with non-smoking themes. This campaign includes newspaper, magazines and billboard advertisements along with movie theater placards. This effort has been eliminated by the historic legislative cut of the spring 2003.
- Nebraska's Attorney General's office has joined with other attorneys general to work with large national retail chains to establish voluntary policies and procedures to foster and check for potential violations. The retailers signed to date include: Wal-Mart, Walgreens, BP-Amoco, and Exxon-Mobile. The Attorney Generals office will continue to monitor national trends and join in on agreements with retailers having stores in Nebraska.

The following question pertains to the sampling methodology used by the State to meet the requirements of the SYNAR Regulation to measure State compliance with youth access to tobacco law.

6. In 2-3 pages, describe the sampling methodology used by the State to conduct random, unannounced inspections. Include in the description the following information:

Sampling design and methodology

Did the sampling methodology change from the previous year? If so, indicate the following.

State Of Nebraska Annual SYNAR Report Calendar Year 2003

- \$ what changes were made,
- \$ why the changes were necessary,
- \$ when the changes occurred.

Describe the source(s) and quality of the sampling frame.

- \$ the date when the sampling frame was last updated,
- \$ the procedures used to insure that the addresses of tobacco outlets on the sampling frame are accurate,
- \$ the criteria used to determine accessibility of outlets to youths,
- \$ the methods used to verify that outlets identified on the sampling frame actually do sell tobacco,
- \$ the methods used to locate tobacco outlets that were not on the sampling frame,
- \$ the accuracy of the frame: the percentage of the sampling frame that included outlets that actually sell tobacco and had accurate addresses,
- \$ the coverage of the frame: the percentage of all tobacco outlets in the State that were actually included on the sampling frame.

Describe the random selection process.

- \$ the geographic unit used for sampling,
- \$ the procedures used for selecting the sample of geographic sampling units,
- \$ the method used for selecting outlets from within each sample geographic sampling unit,
- \$ the original sample size, minimum number of required inspections, and final sample size; and explain how they were determined,
- \$ if applicable, explain the difference between the original sample size and the final sample size; and indicate whether the final sample is representative of the distribution of tobacco outlets in the State.

Describe how replacement outlets and non-completed inspections were handled. Provide a complete tally of non-completed inspections that include:

- \$ the number of inspections that were not completed because the outlets were ineligible,
- \$ the number of eligible but non-completed inspections.

-
- There were no changes in the State's sampling methodology for the Compliance Progress FFY.
 - During FFY 2003 Nebraska used a commercial business list to draw a sample of

State Of Nebraska Annual SYNAR Report Calendar Year 2003

potential tobacco retail establishments. The CD-ROM was Power Finder Commercial 2003 by InfoUSA Inc. SIC codes utilized to draw the sample are given in Table A

Table A
List of Business Types and Number of Businesses
Included in the Nebraska 2003 Youth Tobacco Sales Compliance (SYNAR) Sampling Frame

BUSINESS TYPE	SIC CODE NUMBER	NUMBER OF BUSINESS
Variety Stores	533101	65
General Merchandise--Retail	539901	18
Convenience Stores	541103	840
Grocers—Retail	541105	597
Restaurants*	581208	2086
Bars	581301	809
Service Stations—Gasoline & Oil	554101	732
Pharmacies	591205	435
Liquors--Retail	592102	250
Cigar, Cigarette, & Tobacco Dealers—Retail	599301	56
Hotels & Motels	701101	595
Bowling Centers	793301	126
Racing Tracks	794801	22
Golf Courses—Public	799201	146
Amusement Places	799601	44
Recreation Centers	799701	71
Fraternal Organizations	864101	182
Veterans & Military Organizations	864102	100
Clubs	864108	208

Total number of possible tobacco vendors (excluding three non-Nebraska businesses that were not removed from the initial list) = 7379 (unduplicated count = 6725)

*Restaurant chains that do not sell tobacco products (as determined by examination of liquor license listings obtained from the Nebraska Liquor Commission) were excluded from the sampling frame: Amigo's, Arby's, Blimpie Subs & Salads, Burger King, DaVinci's Pizza & Hot Hoagies, Dairy Queen, Domino's Pizza, Fazoli's, Hardee's, Kentucky Fried Chicken, Long John Silver's, McDonald's, Orange Julius, Papa John's Pizza, Papa Murphy's Take n' Bake, Popeye's Chicken & Biscuits, Quizno's Classic Subs, Sbarro, Schlotzky's Deli, Sonic Drive-In, Subway Sandwiches & Salads, Taco Bell, Taco Inn, Taco John's, and Wendy's

1/17/02

-----.

- To eliminate duplication in the list all business were entered into a database and matched against addresses. Businesses with the same address were combined into a single entry. The list was updated from the InfoUSA web site in January 2003.
- The Info USA promotion is that their list is 99 percent accurate. InfoUSA indicates that a large number of phone verification calls are continuously made to outlets to

State Of Nebraska Annual SYNAR Report Calendar Year 2003

determine the list accuracy. Information on the accuracy of the list relative to all potential outlets is undetermined. Info USA does indicate that they continuously update their lists using such items as local directory information, Securities and Exchange business data, local government business permits, and trade information from various trade organizations. Use of local tobacco coalitions to verify the list has been considered. Health and Human Services staff have also been comparing tobacco license information gathered in 2002 and again in 2003 against the list of potential sites. Info USA provides the following:

- “Our network of data collectors identifies new business formations from across the country. New incorporations are gathered from every Secretary of State’s office, trade names, new business license registrations and “Doing Business As (DBA)” filed at the county or city level.

Ø The new listings are gathered weekly and entered into our database after being double-checked for accuracy. We then remove any listings that have only the address of the filing attorney or companies that have been in business for a long time but are re-filing due to local requirements. The result is a comprehensive listing of only Brand New Businesses!

The database is updated every day

U.S. Business Database:

Number of changes to the database this month: 925,001

This month we added 117,175 new businesses, deleted 76,775 "out-of-businesses", made 147,540 address and phone number changes, made 219,754 employment or executive changes!”

- The State was divided into 6 strata using the six State Patrol Troop Areas of Nebraska. The Strata are defined as Headquarters, Troop Areas A, B, C, D, and E. This definition of strata was practical since it related to the practical realities of human resources available to complete the inspections. Secondly, this strata division helped Nebraska recognize the urban-rural composition of the State. Two Nebraska cities can be characterized as urban within which approximately 39% of Nebraska's population reside. Lincoln and Omaha represent those areas where there are obvious clusters and they are located in headquarters and Troop Area A areas. The four remaining State Patrol Regions are characteristically rural.
- The following steps were taken to develop the final random list of establishments to be surveyed:
 - Step 1. Create a file listing each potential tobacco outlet, business address, city, zip code, SIC code and phone number. Sorted the file in ascending order by strata by business name and counted the number of unique outlets for each survey area.
 - Step 2. From the list of potential businesses, select every 7th listing (equal probability sampling), creating a proportional to size for each survey area.

State Of Nebraska Annual SYNAR Report Calendar Year 2003

- Step 3. Callers posing as potential buyers called businesses to confirm the entity tobacco sale. Those indicating no tobacco sales are dropped from the list until a list equal to the sample size is created. This final list is then given to the State Patrol to conduct inspections. No other verification of the sales potential of an outlet is made.

- The weights were calculated using an estimate of the universe of tobacco outlets within Nebraska since no centralized listing of tobacco outlets exists. The number of unduplicated tobacco outlets estimated from standard business listings is 6,615. The weighting of the number of outlets was done based upon our estimates of the potential tobacco outlets within each stratum. The initial draw of the sample size was done in proportion to the number of population in the strata less than 18 years of age. Thus Troop Area "E" that has the smallest proportion of youth, also has the smallest proportion of samples. Troop Area "A" being the largest percentage of the youth population has the largest sample size.

Table B

Comparative table of sample size required for strata to achieve a 95 percent confidence level with an assumed 20 percent non compliance rate.

Troop Area	SIC List Number	SIC Sample	Unduplicated List Number	Percent (planned)	Number on List to Patrol	Surveys Completed (Actual)	Survey s Completed (%)	Difference Planne d Vs Actual %
A	2212	221	1984	18.5	219	206	24.3	5.8
B	1175	203	1087	17.0	162	152	17.9	.9
C	1090	201	955	16.4	158	143	16.2	.2
D	830	190	768	15.8	150	112	13.2	-2.6
E	570	172	509	14.4	134	99	11.7	-2.7
HQ	1630	214	1422	17.9	169	142	16.7	-1.2
Statewide	7507	1201	6725	100	992	854	100.0	

Statistically, the 6725 stores requires a random statewide distribution of 237 stores to be 95 percent confident at the results.

- The final sales rate was calculated Utilizing the SYNAR Survey Extimation System provided by CSAP. The system reports a final weighted violation rate of 15.3 percent (SSES Table 1)

- From the original sample size of 1001 outlets Nebraska found 914 eligible locations or 91.4 percent completion. Form 1 and Form 2 summarizes the sample size by troop area.

- Total number of attempted checks was 1001. The sample size was reduced by: the entity is out of business (27) or did not sell tobacco (28), was determined to be

State Of Nebraska Annual SYNAR Report Calendar Year 2003

unsafe and State Patrol officers would not allow youth to enter the entity for safety reasons (8). These areas tended to be facilities which were adult only facilities, and open only late in the evening. Some facilities were closed (36). Additionally surveys were not completed for other reasons (8). There were instances in which the survey crew did not send back a tally sheet for the record and no information was received (31).

- For statistical purposes only those outlets that were out of business, and did not sell tobacco (87) are eliminated from the calculations for effective sample size. The effective sample size becomes 914. The completion rate among eligible outlets is 93.4 percent (854 of 914).
- Entities that are closed, out of business or for some other reason not inspected are not replaced in the survey. Thus the 1001 attempted surveys resulted in 854 actual compliance checks. A tally sheet is request for all entities listed on the Patrol lists.
- Nebraska is concluding a study of the lists coverage. Contract was let in September for 32 zip codes around the state to be reviewed as to the extent of list coverage against the number of local merchants. The results of this coverage study, approved by CSAP, are anticipated in by November 1, 2003.
- Vending machines are included in the sample as they are found. Vending machines are required to be placed in adult only facilities by state law. Thus in communities a vending machine could be located in a bar. If the youth determines there to be a vending machine, the youth asks for change from a responsible adult and then attempts to purchase from the vending machine. If a purchase is made and the youth leaves the premise a citation is issued.

The following question pertains to the random sample survey required by the SYNAR Regulation to measure State compliance with youth access to tobacco laws.

7. In 3-5 pages, report the complete results of the inspections conducted for the SYNAR survey during the FFY 2003. Report the unweighted and weighted retailer violation rates, including the corresponding standard error, and the confidence interval for the weighted reported retailer violation rate. Provide all supporting tables, formulas, and values used to calculate the final weighted retailer violation rate.

-
- Nebraska's rate of tobacco sales violations from the Calendar Year 2003 is given in Form 1 and SSES Table 1. The final sales rate was calculated by weighting the noncompliance rates per region by total estimated number of tobacco outlets and by weighting the non-compliance rates by the percentage of youth population within the region utilizing the SYNAR Survey Estimation System (V 1.0) supplied by CSAP.

State Of Nebraska Annual SYNAR Report Calendar Year 2003

Since Nebraska can only estimate the number of tobacco retailers per region we must use estimates of the number of tobacco outlets based upon the standard business listing we are using.

- The completion rate remains the same – of 1001 attempts with 914 valid responses resulting in a completion rate of 91.4 percent. Among only eligible entities the completion rate is 854 of 914 or 93.4 percent.
- The SYNAR Survey Estimating System provided by CSAP results are given in SSES Table 1, 2 and 3. In summary 854 surveys were completed, additionally 60 eligible outlets could not be reached to survey and an additional 87 ineligible outlets were included in the sample. Thus 1001 attempts were made by the State Patrol. The additional outlets from the Patrols originally allocated 992 is a result of the Patrol officer taking upon themselves to “replace” outlets. Instructions for FY 2004 will clarify the non-replacement aspect of this survey. These “replacement” outlets were added to the survey as if they were original listings to the Patrol.
- Using the SSES the following statistical information is accurate for the FFY 2003 SYNAR surveys conducted by the State Patrol and the Department of Health and Human Services: Unweighted Retailer Violation Rate of 15.81% with a weighted rate of 15.3%. Effective Sample size is 391. The Two sided 95% confidence limit is 12.9 %, 15.3% 17.7% (see table SSES Table 1).
- The vending machine sample is not drawn from a separate listing of businesses. The licensing of tobacco vending machines in Nebraska is an uncertain process. The vending machine companies rather than the retail business holds the license where the machine is located. The company's license is not for each machine but rather a license that covers all the machines. The result is that existing vending machine licensing does not assist us in knowing the location of vending machines.
- A proposal to conduct a “windshield epidemiology” study to determine if the business list purchased accurately reflects the Division in the fall of 1999 commissioned the actual population of tobacco sellers. Because of the projected costs to conduct the Division did not pursue this study. Nebraska has let a contract to conduct a list verification study. The study will use 32 zip codes to determine if the number of retailers in the field is representative of the number drawn by the Info USA list. Results of the study are expected by November 1, 2003.
- Nebraska has compared the telephone area codes and exchanges found in the list of eligible using the commercial CD-ROM against active area codes and exchanges available from the State Public Service Commission (the regulatory body for telephone service). The commercial list does cover the entire state. So, if a business does have a phone, and is listed in the directory, then they are 100 percent

State Of Nebraska Annual SYNAR Report Calendar Year 2003

likely to show up on the list of eligible businesses from which the random sample is drawn.

- InfoUSA, the company that publishes the CD ROM business list that we purchase, states that their accuracy rate is over 99 percent. They have 350 employees that start with the best available sources of business list including yellow/white pages, annual reports, 10-ks and other Security Exchange Commission information including federal, state, and municipal government. The company also routinely uses US Postal Service national change of address info and carrier route information. InfoUSA staff makes over 16 million phone calls to verify the accuracy of the list produced.
- The Office of Mental Health, Substance Abuse and Addiction Services has completed a compilation of tobacco licenses recorded from city and county clerks in 2003 and 2002. In 2003 of the county clerks only one did not respond. Municipal clerks response was 75 %. These licenses will be reviewed against the business list and a determination if the license list could be used to compile the list of potential businesses.

8. Describe the protocol for conducting random, unannounced inspections. Ensure the following specific items are addressed in your description.

- § Have any changes been made in the inspection protocol from the previous year?
- § Indicate the start and end dates of the SYNAR inspections conducted during the current reporting period and whether the dates are different from previous years.
- § Describe the methods used to recruit, select, and train youth inspectors and adult supervisors.
- § Describe the inspection methodology used. (e.g., consummated or unconsummated buys, instructions for carrying and showing identification, team composition and whether an adult monitor enters the outlet with the youth inspector, time of day inspections are conducted, compensation for the minors, data collection procedures, etc).
- § Besides what is specified in the State youth access tobacco law, explain whether the State has other legal or procedural requirements regarding how inspections are to be conducted (i.e., age of minor, time of inspections, training that must occur)?
- § Describe specific legal or procedural requirements the State has instituted to address the issue of minors= immunity when conducting inspections.
- § Describe specific legal or procedural requirements the State has instituted to address the issue of child safety.

-
- Nebraska's inspection methodology has not changed in the last year.

State Of Nebraska Annual SYNAR Report Calendar Year 2003

- Nebraska State Patrol attempted 1001 SYNAR compliance checks during the period March 1 to September 17, 2003. Of the 854 actual checks 1 completed 135 resulted in buys with 135 citations being issued to clerks who sold to youth. Citations are issued to the store clerk and not to the store in Nebraska. Citations are civil offenses handled in county court.
- Officers recruit and select cooperating individuals that appear to represent youth in the area. The officer trains the youth one on one by going over the youth's responsibilities and the protocol for cooperating individuals given below. When the officer is satisfied the youth can complete the assigned task the officer and youth conduct inspections.
- The inspection team composition include the cooperating individual and the law enforcement officer.
- The Nebraska State Patrol conducts the random unannounced inspections of tobacco retailers. A standard protocol established by the Nebraska State Patrol for either alcohol or tobacco compliance checks are followed. Youth who assist in the unannounced inspections are called Cooperating Individuals (CI's). This protocol is also utilized by local law enforcement when doing their compliance checks and is available via the web at: (<http://www.hhs.state.ne.us/sua/ciguid.pdf>).

Protocol for Cooperating Individuals (Minor) are:

- Do not use a disguise, have facial hair, or heavy make-up.
- Do not use false, borrowed or altered identification.
- Use their own personal ID or indicate they do not have an ID.
- Minors are not to lie to the sales clerk.
- If a minor is asked by the sales clerk if they are old enough the minor is instructed to answer "would you like to see my ID?"
- Correctly fill out the documentary proof of age booklet if requested to do so,
- Be prepared to accurately describe and identify the sales clerk for enforcement action,
- Be truthful in all responses.
- The question "are you working for law enforcement?" can be answered with "NO". Other deceptions are not permitted.

Enforcement officers are instructed to:

- Ensure minor understands all their instructions and knows exactly what to do and say.
- Photograph minor prior to all compliance checks.
- Ensure the minor is only in possession of a valid ID.
- Ensure the minor has no tobacco on their person prior to compliance checks.
- Remain in close proximity to the retail outlet to view as much as possible.

State Of Nebraska Annual SYNAR Report Calendar Year 2003

- Monitor and record the minor's conversation with a transmitter and/or Pocket recorder.
 - Videotape the purchase if possible.
 - Provide the minor with funds to make the tobacco purchase.
-
- Any tobacco purchased is confiscated at the time of the inspection. If a clerk sells tobacco to a youth or a youth is able to purchase tobacco through a vending machine the clerk is cited by an uniformed officer. Calendar year 2003 inspections resulted in 135 citations or 100 percent of the violators were recorded to have been cited.
 - Sergeant Martin Costello with the Nebraska State Patrol trains officers in the proper protocol to follow and the proper way to complete the form related to the compliance check. Information contained on the form related to the compliance checks includes: Name and address of retailer, type of sale, status of compliance, type of business, money expended, and ages of cooperating individual. All inspectors are certified law enforcement officers who are trained on the compliance check procedures. Each year information goes out to already trained officers with any changes to the procedures. New inspectors are assigned to inspectors with experience in order to "learn by doing". CI's are trained by an officer regarding proper procedures and protocols.
 - See Form 3 for buys by age and gender. See Tables SSES 1 through 3 for SSES derived statistics.
-

State Of Nebraska Annual SYNAR Report Calendar Year 2003

SECTION II

FFY 2004 (Intended Use):

In 2-5 pages, describe the State's plans to achieve the interim target rate for FFY 2004 (Part 96.130 (e) (4)). Ensure the following specific items are addressed in your description of activities and/or changes that are planned.

- \$ Sampling methodology.
- \$ Inspection protocol.
- \$ Legislative actions and/or regulatory changes.
- \$ Law enforcement.
- \$ Activities that support law enforcement such as, merchant education, community education, media use, community mobilization.

Describe the State's strengths and challenges it faces in complying with the SYNAR requirements.

Describe any administrative or legal constraints on regulation and enforcement.

Describe the level of public support for inspections, enforcement, and public policy efforts.

-
- During calendar year 2004 the State of Nebraska does not anticipate changes in its sampling methodology. It is anticipated at least 850 checks will be completed. The sample will be drawn from the same SIC code listings from the InfoUSA CD-ROM that will be updated in January 2004. An additional check will be made against the license list derived from a survey of municipal and county clerks conducted in the summer of 2002 and 2003 by Office of Mental Health, Substance Abuse and Addiction Services. The license list will be compared to the sample drawn from SIC codes and additional licenses holders added to the universe of potential entities to be inspected. The distribution of outlets will be based on the proportion of the entity population in each of the strata. The Office of Mental Health, Substance Abuse and Addiction Services will attempt to have local law enforcement conduct compliance checks in larger communities thus relieving the State Patrol of conducting all compliance checks. Local Prevention groups and Tobacco Coalitions will be requested to coordinate these efforts.
 - The State of Nebraska does not anticipate any changes in inspection protocols.

State Of Nebraska Annual SYNAR Report Calendar Year 2003

- The State of Nebraska does not anticipate legislative actions or regulatory changes.
- During FFY 2004 the Nebraska Health and Human Services System will continue to educate decision makers about SYNAR including the importance of a centralized tobacco licensing system for Nebraska to improve the listing from which we draw the tobacco retailers. Past proposed legislation would keep licensing at the local level, provide funding to local counties and cities for supplying the list to the Health and Human Services System, provide funds to support the enforcement of tobacco laws, provide funds to assist with retailer education and community education and provide a uniform process to locals for establishing tobacco licenses, and allow for local civil penalties to the license holders for illegal sales.
- During FFY 2004 the State of Nebraska does not anticipate any changes in law enforcement activities.
- As a result of LB1436 legislation Nebraska Health and Human Services is conducting a statewide Youth Tobacco Survey, which will include data from 6th through 8th graders regarding tobacco issues including where and how they acquire tobacco. This will be important data as we reduce illegal over the counter sales of tobacco that can be used to track the other ways that young people get tobacco. There will also be a social climate survey with adults regarding attitudes toward tobacco issues, including enforcement.
- Regional Prevention Centers, Tobacco Free Nebraska and others will continue to work on community initiatives that support non-use of tobacco by youth under the legal age. Both youth and adult prevention education efforts and environmental prevention strategies will be utilized to increase the commitment of communities to keeping youth tobacco free. This effort may be enhanced with the State Incentive Grant Cooperative Agreement funds for Prevention, but has been severely curtailed by the 94 percent budget cut of Tobacco Free Nebraska.
- There continues to be legal and administrative constraints. The current administration is still apprehensive regarding taking a proactive stance on tobacco legislation. Some local jurisdictions are showing great restraint in issuing fines. Also, current Nebraska statutes are written in such a way to limit the chances that the license holder will be prosecuted for illegal sales. We will continue to educate decision-makers about the importance of holding license holders responsible in order to reduce illegal sales.
- The State's Single State Authority for Substance Abuse and the CDC/state-funded Tobacco Free Nebraska program continue to have a working relationship. The two programs are both programmatic and financial partners in the implementation of SYNAR. Ongoing communication has helped assure collaboration of local coalitions

State Of Nebraska Annual SYNAR Report Calendar Year 2003

and other efforts that support reducing youth access to tobacco. Additionally the Office of Mental Health, Substance Abuse and Addiction Services has initiated a state core group that is anticipated to meet quarterly to discuss SYNAR related issues. The core group consists of the Office, TFN, Attorney Generals office and State Patrol.

- Office of Mental Health, Substance Abuse and Addiction Services continues to meet regularly with tobacco prevention staff, serve on the state Tobacco Free Nebraska coalition and continue to collaborate with the Robert Wood Johnson funded Smoke Less Nebraska coalition, American Lung Association, American Cancer Society, Nebraska Medical Association, Nebraska Heart Association and others who are committed to tobacco prevention.
- Policy briefings held with the Governor's office, HHS administration and the Nebraska ASTHO representative (Dr. Richard Raymond) regarding the SYNAR goals and objectives. Dr. Raymond has become a strong tobacco prevention advocate with the HHS Policy Cabinet administration, and the Governor's office.
- During FFY 2004 it is anticipated that the media effort of Tobacco Free Nebraska will be curtailed as a result of budget cuts.

H:\My Documents\Bloc2004\SYNAR REPORTING\NE_Fin Annual SYNAR Report FY04.Doc

Form 1

Summary of Tobacco Inspection Results by Geographic Sampling Unit											
										State: Nebraska	
										FFY: 2004	
Column 1			Column 2			Column 3			Column 4		
			Estimate of the Number of Tobacco Outlets in the State			Number of Tobacco Outlets Randomly Inspected during the Synar Survey			Number of Tobacco Outlets Found in Violation during the Synar Survey		
Number	Geographic Sampling Unit	Percentage of Youth Under 18	(a) Over-the-Counter (OTC)	(b) Vending Machines (VM)	(c) Total Tobacco Outlets (2a) + (2b)	(a) Over-the-Counter (OTC)	(b) Vending Machines (VM)	(c) Total Tobacco Outlets (3a) + (3b)	(a) Over-the-Counter (OTC)	(b) Vending Machines (VM)	(c) Total Tobacco Outlets (4a) + (4b)
1	Troop A	35.7	1,984	0	1,984	195	11	206	19	3	22
2	Troop B	16.5	1,087	0	1,087	151	1	152	13	1	14
3	Troop C	12.6	955	0	955	142	1	143	32	0	32
4	Troop D	6.3	768	0	768	111	1	112	20	1	21
5	Troop E	5.2	509	0	509	99	0	99	19	0	19
6	Troop Hq	23.7	1,422	0	1,422	141	1	142	27	0	27
Totals		100.0	6,725	0	6,725	839	15	854	130	5	135

Form 2 (Optional)

Calculation of Weighted Retailer Violation Rate									
								State: Nebraska	
								FFY: 2004	
(1)	(2) N	(3) n	(4) n1	(5) n2	(6) x	(7) p=x/n2	(8) N'=N(n1/n)	(9) w=N'/Total Column 8	(10) pw
Stratum (Geographic Sampling Unit)	Original Estimate of Outlet Population in Stratum	Original Sample Size	Number of Sample Outlets Found Eligible	Number of Outlets Inspected	Number of Outlets Found in Violation	Unweighted Retailer Violation Rate	Adjusted Outlet Population Based on Number in Sample Found Ineligible	Relative Stratum Weight	Weighted Retailer Violation Rate
Troop A	1,984	219	209	206	22	0.1068	1,893.41	0.31	0.0329
Troop B	1,087	162	155	152	14	0.0921	1,040.03	0.17	0.0156
Troop C	955	164	155	143	32	0.2238	902.59	0.15	0.0329
Troop D	768	150	140	112	21	0.1875	716.80	0.12	0.0219
Troop E	509	136	105	99	19	0.1919	392.98	0.06	0.0123
Troop Hq	1,422	170	150	142	27	0.1901	1,254.71	0.20	0.0389
Totals	6,725	1,001	914	854	135	0.1581	6,140.51	1.00	0.1581

NOTE:

If any answers in column 5 ("n2") are zero (0), then mathematically dividing by zero in column 7 ("p=x/n2") will result in an error. Therefore, if any of your answers in column 5 ("n2") are zero (0), replace the formulas " =G10/IF(F10=0,1,F10) " manually in column 7 with the number zero (0) to properly display the results.

N = original population estimate of outlets in stratum (may include ineligible outlets)
 n = original sample size (number of outlets in sample)
 n1 = number of sample outlets that are found to be "eligible" (i.e., open and selling tobacco) (n1<=n)
 n2 = number of sample eligible outlets that were inspected (n2<=n1)
 x = number of inspected outlets that failed inspection (x<=n2)
 p = unweighted retailer violation rate (p=x/n2)
 N' = adjusted population estimate based on number in sample found ineligible (N'=N*n1/n, N'<=N)
 w = relative stratum weight (w=N'/Total Column 8)
 pw = weighted retailer violation rate

Form 3

Synar Survey Inspections		
		State: Nebraska
		FFY: 2004
	(a) Attempted Buys	(b) Successful Buys
Male		
14 years	24	0
15 years	90	2
16 years	123	22
17 years	60	8
18 years	0	0
Subtotal	297	32
Female		
14 years	26	8
15 years	311	52
16 years	189	34
17 years	31	9
18 years	0	0
Subtotal	557	103
Other	0	0
Total	854	135

SSES Table 1

CSAP-SYNAR REPORT

State	Nebraska
FFY	2004
Date	10/10/2003 15:10
Data	SSES_Stratified_SRS_Actual_03_NE
Sampling Design	Stratified SRS without FPC

Estimates

Unweighted Retailer Violation Rate	0.1581
Weighted Retailer Violation Rate	0.1530
Standard Error	0.0124
Is SAMHSA Precision Requirement met?	Yes
Right-sided 95% Confidence Interval	[0, 0.173]
Two-sided 95% Confidence Interval	[0.129, 0.177]
Design Effect 1	1.0166
Design Effect 2	1.1820
Accuracy Rate (unweighted)	0.9131
Accuracy Rate (weighted)	0.9325
Completion Rate (unweighted)	0.9344

Sample Size for Next Year

Effective Sample Size	391
Minimum (Target) Sample Size	398
Original Sample Size (1)	456
Original Sample Size (2): 10% more than (1)	502
Original Sample Size (3): 20% more than (1)	547

***Footnote:**

Design Effect 1: The SRS variance in the denominator is computed with the with-replacement sampling assumption. This is used in the calculation of the Effective Sample Size.

Design Effect 2: The SRS variance in the denominator is computed with the without-replacement sampling assumption.

SSES Table 2

STATE: Nebraska, FFY: 2004

Variance Stratum	Frame Size in Variance Stratum	Estimated Population Size in Variance Stratum	Sample Size in Variance Stratum	Eligible Outlets	Outlets Inspected	Outlets in Violation	Retailers Violation Rate	Standard Error
2003 TA	1,984	1,893	219	209	206	22	0.1068	
2003 TB	1,087	1,040	162	155	152	14	0.0921	
2003 TC	955	903	164	155	143	32	0.2238	
2003 TD	768	717	150	140	112	21	0.1875	
2003 TE	509	393	136	105	99	19	0.1919	
2003 THQ	1,422	1,255	170	150	142	27	0.1901	
Total	6,725	6,201	1001	914	854	135	0.1530	0.0124

SSES Table 3

STATE: Nebraska, FFY: 2004

Disposition Code	Description	Number of Records	Subtotal
EC	Eligible and inspection complete outlet	854	
Eligible Completes Total:			854
N1	In operation but closed at the time of visit	36	
N2	Unsafe to access	8	
N3	Presence of police	0	
N4	Youth inspector knows salesperson	0	
N5	Other eligible noncomplete	16	
Eligible Noncompletes Total:			60
I1	Out of Business	27	
I2	Does not sell tobacco products	28	
I3	Inaccessible by youth	0	
I4	Private club	0	
I5	Temporary closure	1	
I6	Unlocatable	0	
I7	Other ineligible	31	
Ineligibles Total:			87
Total:			1001